THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.1551 OF 1999

DATED: 31.10.2007

Between:

T. V. Satyanarayana

.. Petitioner

And

The Chairman & Managing Director, Electronics Corporation of India Limited, Cherlapalli, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.1551 OF 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring that the petitioner is entitled to be promoted to the post of Senior Accounts Officer with effect from 01.02.1992 with all consequential benefits.

It appears, the petitioner was appointed as U.D.C. with effect from 18.02.1975 in Electronics Corporation of India Limited and was promoted as Accounts Assistant in the year 1980. According to the petitioner, he was entitled to be promoted as Assistant Accounts Officer with effect from 01.02.1984, but the management unduly denied his promotion. Therefore, he had to file W.P.No.9788 of 1985 before this Court and thereupon the respondents promoted him as Assistant Accounts Officer with effect from 01.02.1984. He was further promoted to the post of Accounts Officer with effect from 01.02.1987 and was due for promotion to the post of Senior Accounts Officer with effect from 01.02.1992. While so, he was issued with a charge sheet dated 17.04.1992 and on his filing W.P.No.11603 of 1992 challenging the said charge sheet as the same was issued by incompetent authority, the management had withdrawn the same. Thereafter, for the purpose of considering his case for promotion to the post of Senior Accounts Officer, Departmental Promotion Committee meeting was to be held on 14.10.1992, but with a view to delay the consideration of his case for

promotion, interviews were held on 27.01.1993. In the meanwhile, another charge sheet was issued on him on 21.01.1993 for which he submitted explanation. Further, he came to know that in his annual confidential reports, some adverse entries were made to the effect that a charge sheet was pending and basing on those entries, the Departmental Promotion Committee appears to have not considered his case for promotion to the post of Senior Accounts Officer. The petitioner complains that the respondents deliberately issued another charge sheet with a view to delay his promotion and he is entitled to be promoted to the post of Senior Accounts Officer with effect from 01.02.1992.

A detailed counter-affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. While denying the allegation that some adverse remarks were entered in the petitioner's confidential reports, it is asserted that in fact, for the year 1991-92 series, the petitioner was awarded 38.3 marks out of 50 marks in his confidential reports, whereas the qualifying mark is 25/50. It is also stated that no officer has denied marks to the petitioner in C.R. ratings and from 1991-92 to 1996-97 series, the petitioner was awarded above 60% marks in his C.R. ratings. It is further stated that though the petitioner secured more than qualifying marks in C.R. ratings, he failed in other factors for promotion and therefore the contention of the petitioner that his case was not considered for promotion due to his CR ratings is not correct.

From the above, it is clear that the petitioner did not come up for selection and the departmental promotion committee did not recommend his case for promotion to the post of Senior Accounts officer. In fact, the departmental promotion committee was not made a

party to this proceedings. Apart from that, the petitioner is seeking promotion as Senior Accounts Officer with effect from 01.02.1992 in the departmental promotion committee meeting held on 14.10.1992, but he did not challenge the later departmental promotion committee constituted and the orders issued by it. Be that as it may, it is brought to the notice of this Court that the petitioner took voluntary retirement from the service of the Organization.

Under those circumstances, I am of the opinion that the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

C.V. RAMULU, J

31st October, 2007.
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